

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FELISHATAY ALVARADO	:	
Plaintiff	:	Civil Action No. 22-3763
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, <i>et al.</i>	:	

ORDER

AND NOW, on this _____ day of _____, 2024, upon consideration of Plaintiff's Motion *in Limine* Regarding Status of Plaintiff's Service Animal, and any response thereto, it is hereby **ORDERED** that Plaintiff's Motion is **GRANTED**, and that the Defendants are precluded from challenging or questioning the status of Plaintiff's deceased dog, Akuma, as a "service animal" at the trial of this matter.

BY THE COURT:

John F. Murphy, District Judge

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PLAINTIFF’S MOTION *IN LIMINE* REGARDING STATUS OF PLAINTIFF’S SERVICE ANIMAL

Plaintiff, Felishatay Alvarado (“Ms. Alvarado”), by and through her undersigned counsel, hereby respectfully submits Plaintiff’s Motion *in Limine* Regarding Status of Plaintiff’s Service Animal. As established through the testimony and documentary evidence produced by Plaintiff in the discovery of this matter, Akuma, the dog killed by the Defendants, was a registered service animal. The Defendants have not produced any contrary evidence nor any expert testimony regarding this issue. Hence, Plaintiff requests for the Defendants to be precluded from challenging or questioning the status of Plaintiff’s deceased dog, Akuma, as a “service animal” at the trial of this matter. In support of this Motion, Plaintiff incorporates the attached Brief.

Respectfully submitted,

/s/ Keith West
Keith West, Esquire
VICTIMS’ RECOVERY LAW CENTER
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Attorney for the Plaintiff

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**BRIEF IN SUPPORT OF
PLAINTIFF’S MOTION *IN LIMINE* REGARDING STATUS OF PLAINTIFF’S SERVICE ANIMAL**

This civil action is brought under 42 U.S.C. § 1983. On June 4, 2021, Plaintiff, Felishatay Alvarado (“Ms. Alvarado”), was the victim of an unreasonable search and seizure of her home, person, and property (including the summary execution of her service dog, Akuma), by the SWAT Unit of the Philadelphia Police Department, who entered her apartment without having a valid warrant. As shown by the medical records attached hereto at Exhibit “A,” Akuma was an officially acknowledged “Emotional Support Animal.” This record was produced by Plaintiff to the Defendants during the discovery of this case. As discussed in the expert report produced by Plaintiff’s mental health expert, a copy of which is attached hereto at Exhibit “B,” Ms. Alvarado had an anxiety condition for which Akuma was a meaningful assistance in treatment. The Defendants have not produced any expert evidence in this case, nor any evidence which contradicts Akuma’s recognized status as an “Emotional Support Animal.”

Accordingly, Plaintiff requests for the Defendants to be precluded from challenging or questioning the status of Plaintiff’s deceased dog, Akuma, as a “service animal” at the

trial of this matter. Due to the Defendants complete lack of contrary evidence — in particular, lack of expert evidence — any effort by the Defendants to question Akuma’s status as an “Emotional Support Animal” could only be based on uninformed speculation and thus would be inadmissible and irrelevant.

WHEREFORE, Plaintiff respectfully requests for the Court to *deny* the Defendants’ Motion for Summary Judgment, in the form of the attached proposed Order.

Respectfully submitted,

/s/ Keith West

Keith West, Esquire

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Attorney for the Plaintiff

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CERTIFICATE OF SERVICE

I, Keith West, Esquire, on this date, by electronic filing, caused a true and correct copy of Plaintiff's above Motion *in Limine* to be served on the Defendants.

Jonah Santiago-Pagan, Esquire
Emily Hoff, Esquire
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Attorney for Defendants

Respectfully submitted,

/s/ Keith West
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